



ATTORNEY DOCKET NO.: HAR63 610

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Kent JOHNSON

Confirmation No. 6392

Serial No.: 09/893,009

Art Unit: 2686

Filed: June 28, 2001

Examiner: Joy Kimberly Contee

Title: SUCCESSIVE LOG VIDEO PAD POWER DETECTOR AND METHOD

**Office of Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.181(a)**

Sir:

This communication is responsive to a Notice of Abandonment mailed April 14, 2006 for the subject application.

In brief, the Applicant timely paid the Issue Fee of \$1,400.00, the Publication Fee of \$300.00, and a fee for an Advance Order of six (6) patent copies of \$18.00 (for a total of \$1,718.00) on February 15, 2006 for the subject application. A copy of a date stamped postcard accompanying the Applicant's payment of the above-listed fees and showing the filing date of February 15, 2006 is attached herewith as Exhibit A.

Pursuant to MPEP § 711.03(c)(I)(B), a petition to withdraw holding of abandonment is proper if "applicants [can] establish that a reply was filed with a postcard

receipt that properly identifies the reply [thus providing] *prima facie* evidence that the reply was timely filed.” See MPEP § 711.03(c)(I)(B).

The subject application received a Notice of Allowance mailed December 1, 2005. The Applicant timely paid the required fees as evidenced by the attached date-stamped postcard (see Exhibit A). The timely paid fees were accompanied by a PTOL 85 transmittal (see Exhibit B) and an Issue Fee Cover Sheet (see Exhibit C).

All indicia of the subject application, such as the application number, filing date, the first named inventor and the Attorney Docket Number was correctly identified on both the date-stamped postcard (see Exhibit A) and the Issue Fee Cover Sheet (see Exhibit C). The PTOL 85 transmittal (see Exhibit B) correctly identified the filing date, the first named inventor and the Attorney Docket Number of the subject application, however, a transposition error occurred in the identification of the application serial number. The error was the transposition of the digits “89” immediately after the slash (/). Out of 12 indicia for the subject application, only one possessed an error.

According to the Public PAIR database, rather than properly applying the above-listed fees to the subject application, it appears that the Patent and Trademark Office applied the fees to Application No. 09/983,009, which was patented on June 15, 2004 as U.S. Patent No. 6,749,031.

Under MPEP § 711.03(c)(I)(B), the Applicant has provided *prima facie* evidence that the issue fee and publication fee were timely filed on February 15, 2006. For the reasons discussed above, Applicant respectfully submits that the abandonment of the subject application is unwarranted and requests reconsideration and withdrawal thereof.

The Applicant further requests that the above-listed fees incorrectly applied to U.S. Patent No. 6,749,031 be properly associated with and applied to the subject application.

Although it is believed that no fee is due for or in connection with this Petition, the Office is hereby authorized and requested to charge any appropriate fee required for this Petition against Deposit Account No 04-1679.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark C. Comtois', written over a horizontal line.

Mark C. Comtois	Reg. No. 46,285
Patrick D. McPherson	Reg. No. 46,255
D. Joseph English	Reg. No. 42,514

DUANE MORRIS LLP  
1667 K Street N.W., Suite 700  
Washington, D.C. 20006-1608  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: April 21, 2006

## **EXHIBIT A**

## **EXHIBIT B**

## **EXHIBIT C**

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or **Fax** (703) 746-4000

APR 21 2006

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected by a separate communication directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Duane Morris LLP  
 1667 K Street, N.W.  
 Suite 700  
 Washington, DC 20006

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Mark C. Comtois	(Depositor's name)
	(Signature)
	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/983,009	06/28/2001	Kent Johnson	HAR63 610	6392

TITLE OF INVENTION:

SUCCESSIVE LOG VIDEO PAD POWER DETECTOR AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1,400.00	\$300.00	\$1,700.00	03/01/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CONTEE, JOY KIMBERLY	2686	455-127100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☒ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 DUANE MORRIS LLP

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

HARRIS CORPORATION

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

MELBOURNE, FLORIDA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 6 copies

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 04-1679 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

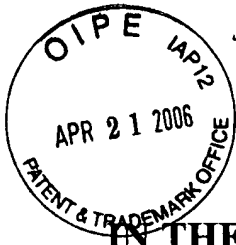
The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  
 NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date February 15, 2006Typed or printed name Mark C. ComtoisRegistration No. 46,285

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



ATTORNEY DOCKET NO.: HAR63 610

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Kent JOHNSON

Confirmation No. 6392

Serial No.: 09/893,009

Art Unit: 2686

Filed: June 28, 2001

Examiner: Joy Kimberly Contee

Title: SUCCESSIVE LOG VIDEO PAD POWER DETECTOR AND METHOD

**ISSUE FEE COVER SHEET**

Mail Stop **Issue Fee**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified patent application are:

☒ Issue Fee Transmittal Form.

☒ A check in the amount of \$1,718.00 for the Issue Fee (\$1,400.00) and Publication Fee (\$300.00) and for Advance Order of 6 patent copies (\$18.00).

If a Petition for an Extension of Time is necessary for the paper transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the response period by the amount of time needed for the paper to be timely filed.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 04-1679.

**FILE COPY**



A duplicate of this document is enclosed.

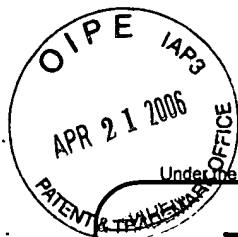
Respectfully submitted,

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Mark C. Comtois	Reg. No. 46,285
D. Joseph English	Reg. No. 42,514
Patrick D. McPherson	Reg. No. 46,255

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: February 15, 2006



\$ DAC

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/893,009
Filing Date	June 28, 2001
First Named Inventor	Kent JOHNSON
Art Unit	2686
Examiner Name	Joy Kimberly Contee
Attorney Docket Number	HAR63 610

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Date-Stamp Postcard from PTO
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	PTOL-85 Transmittal Fee
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Issue Fee Cover Sheet
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Duane Morris LLP		
Signature			
Printed name	Mark C. Comtois		
Date	April 21, 2006	Reg. No.	46,285

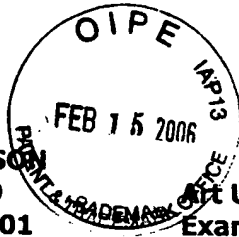
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Today's Date: February 15, 2006

Atty Docket: HAR63 610

Applicant(s): Kent JOHNSON

Serial No.: 09/893,009

Filing Date: June 28, 2001

Att Unit No.: 2686

Examiner: Joy Kimberly Contee

**Title: SUCCESSIVE LOG VIDEO PAD POWER DETECTOR AND METHOD**

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

X	Transmittal (two copies)
X	PTOL 85 Transmittal
X	Check #3166 in the amount of \$1,718.00

**Due Date: March 1, 2006**

**Duane Morris LLP  
1667 K Street, NW  
Washington, DC 20006  
(202) 776-7800**